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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,631	09/18/2003	Robert Birch	1160215/0514436	9238
7590		04/14/2009	EXAMINER	
FROST BROWN TODD LLC 2200 PNC Center 201 East Fifth Street Cincinnati, OH 45202-4182			GRAHAM, CLEMENT B	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,631	<b>Applicant(s)</b> BIRCH ET AL.
	<b>Examiner</b> Clement B. Graham	<b>Art Unit</b> 3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 October 2007.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 9/18/03, 3/28/08, 9/17/08, 12/12/08, 12/20/08
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_



**DETAILED ACTION**  
**SUPPLEMENTAL ACTION**

1 Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Han et al (Hereinafter Han U.S Pub: 2002/0143819A1) in view Zebryk U.S Patent 4, 975, 942.

As per claims 1, Han discloses a computerized method for billing for web services comprising the steps of:

creating a descriptor file designating at least one pre-defined element (see column 12 para 0161-0162 and claims 15-16) configuring a handler to monitor a web service network communication, between a service requestor and a service provider, for said pre-defined element(s) in said descriptor file (see column 2 para 0014 and column 11 para 0149 and column and column 12 para 0159-0161) configuring said handler to send said pre-defined element(s) to a set of programmed instructions to create an event record.( see column 2 para 0014 and column 11 para 0149 and column 12 para 0159-0162 and claims 15-16).

Han fail to explicitly teach electronically transmitting said event record to a billing system for further processing.

However Zebryk discloses providing local database, storage and programming intelligence at a telephone instrument unit for enabling virtually instantaneous call processing by the steps of locally prompting the user to enter credit/calling card number after dialing the number-to-be-called; locally checking card validity in self-contained

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local database; locally storing such information if checked as valid and immediately outgoing the call on the telephone line; monitoring the line until the user terminates the call; locally storing the card number, number dialed, date, time and call duration as a transaction record of the call; automatically dialing a PC host computer through a local internal modem following one or both of a programmable number of calls or a predetermined time period; upon connection to the host computer transmitting a batch of such transaction records to the host computer; and generating user billing information at said host computer, with the aid of the charged rate information stored in the computer local database. Preferred and best mode embodiment and design are later detailed herein (see column 3 lines 16-39 and column 4 lines 22-42).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Han to include electronically transmitting said event record to a billing system for further processing taught by Zebryk in order to generate and transmit billing information based upon time of call initiation.

As per claims 2, Han discloses a computerized method as claimed in claim 1 wherein said programmed instructions are configured to determine whether an event corresponding to said event record requires authorization (see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 3, Han discloses a computerized method as claimed in claim 1 wherein said programmed instructions are configured to determine whether an event corresponding to said event requires rating (see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 4, Han discloses a computerized method as claimed in claim 1 further comprising the steps of transforming said pre-defined element(s) according to a set of instructions in said descriptor file before transmitting said event record to the billing system. (see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

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As per claims 5, Han discloses a computerized method as claimed in claim 1 wherein said web service network communication comprises a request for a web service and a response wherein said request comprises a start time and said response comprises an end time and further comprising the steps of: - creating a first event record comprising said start time; sending said first event record to said billing system; queuing said first event record in said billing system; creating a second event record comprising said end time.(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324) sending said second event record to said billing system; matching said first event record with said second event record; calculating a charge for said web service based on said start time and said end time, returning said charge to said service provider. .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 6, Han discloses a computerized method as claimed in claim 1 wherein said billing system comprises programmed billing instructions coded to determine whether a web service transaction may be performed. .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 7, Han discloses wherein said programmed billing instructions are configured to determine if said service requestor is permitted to access said web service transaction. .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 8, Han discloses wherein said billing system may return a response to said web service provider indicating whether said web service should proceed. .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

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As per claims 9, Han discloses wherein said programmed billing instructions are configured to determine whether said service requestor is solvent enough to purchase said web service.transaction .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 10, Han wherein said programmed billing instructions are configured to return a response to a set of application code associated with said web service provider indicating whether said web service transaction should proceed .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 11, Han discloses wherein said programmed billing instructions are configured to return a response to said web service provider indicating a quantity for said web service transaction to proceed .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 12, Han discloses wherein said web service network communication comprises a SOAP message stream .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 13, Han discloses a wherein said SOAP message stream comprises a set of data including quality of service information, authorization key fields, version numbers, encrypted account information, and start/stop time .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 14, Han discloses wherein a billing system uses said at least pre-defined element in said SOAP message stream to support at least one pre-defined billing plan .(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

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As per claims 15, Han discloses a wherein said pre-defined billing plans is chosen from a list consisting of subscriptions, bundled plans, time-based usage plans, re-occurring charges, one-time charges, discount plans based on usage, discount plans based on time-of-day, discount plans based on customer loyalty, discount plans based on family/organization relationships, tired plans, location dependent pricing, and combinations thereof. (see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

As per claims 16, Han discloses a computer-readable medium having computer executable instructions for performing a method comprising receiving a descriptor file designating at least one pre-defined element (see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324)

utilizing said descriptor file to monitor a web service network communication for said pre-defined element(s) copying said-predefined element(s) from said network communication into a record (see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

Han fail to explicitly teach electronically sending said record to a billing system for further processing.

However Zebryk discloses providing local database, storage and programming intelligence at a telephone instrument unit for enabling virtually instantaneous call processing by the steps of locally prompting the user to enter credit/calling card number after dialing the number-to-be-called; locally checking card validity in self-contained local database; locally storing such information if checked as valid and immediately out-dialing the call on the telephone line; monitoring the line until the user terminates the call; locally storing the card number, number dialed, date, time and call duration as a transaction record of the call; automatically dialing a PC host computer through a local internal modem following one or both of a programmable number of calls or a predetermined time period; upon connection to the host computer transmitting a batch of

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such transaction records to the host computer; and generating user billing information at said host computer, with the aid of the charged rate information stored in the computer local database. Preferred and best mode embodiment and design are later detailed herein (see column 3 lines 16-39 and column 4 lines 22-42).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Han to include electronically sending said record to a billing system for further processing taught by Zebryk in order to generate and transmit billing information based upon time of call initiation.

As per claims 17, Han discloses a system for billing for web services comprising: a descriptor file; a handler;

a record; and a billing system wherein said descriptor file designates at least one pre-defined elements(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324) said handler is configured to monitor a web service network communication, between a service requestor and a service provider, and to intercept said communication if said communication corresponds to said at least one pre-defined element in said descriptor file(see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324)

said handler is further configured to copy said pre-defined elements from said network communication into a record, said handler is further configured to (see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

Han fail to explicitly teach electronically transmit said record to a billing system for further processing.

However Zebryk discloses providing local database, storage and programming intelligence at a telephone instrument unit for enabling virtually instantaneous call processing by the steps of locally prompting the user to enter credit/calling card number after dialing the number-to-be-called; locally checking card validity in self-contained local database; locally storing such information if checked as valid and immediately out-

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dialing the call on the telephone line; monitoring the line until the user terminates the call; locally storing the card number, number dialed, date, time and call duration as a transaction record of the call; automatically dialing a PC host computer through a local internal modem following one or both of a programmable number of calls or a predetermined time period; upon connection to the host computer transmitting a batch of such transaction records to the host computer; and generating user billing information at said host computer, with the aid of the charged rate information stored in the computer local database. Preferred and best mode embodiment and design are later detailed herein (see column 3 lines 16-39 and column 4 lines 22-42).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Han to include electronically transmit said record to a billing system for further processing taught by Zebryk in order to generate and transmit billing information based upon time of call initiation.

As per claims 18, Han discloses wherein said billing system is embedded within a web service server; wherein said further processing comprises determining whether said service requestor is solvent enough to purchase a web service corresponding to said web service network communication; and wherein said web service network communication comprises a SOAP message stream (see column 2 para 0023 and column 4 para 0042 and column 22 para 0273-0276 and column 23 para 0277 and column 25 para 0302-0304 and column 27 para 0316-0324).

### **Conclusion**

### **RESPONSE TO ARGUMENTS**

4. Applicant's arguments filed 10/17/07 has been fully considered but they are moot in view of new grounds of rejection.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696**

CG

April 6, 2009